



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/193,647 11/17/98 USNER

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TM02/0814

EXAMINER

ELISCA P

ART UNIT

PAPER NUMBER

2161
DATE MAILED:

08/14/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.
09/193,647

Applicant(s)
Robert E. Usner et al.

Examiner
Pierre E. Elisca

Group Art Unit
2161



☒ Responsive to communication(s) filed on May 21, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

DETAILED ACTION

Response to Amendment

1. **This office action is in response to Applicant's amendment filed on 5/21/2001.**
2. **Claims 1-15 are remained, claim 3 has been amended and claims 16-19 are added.**
3. **The rejection to claims 1-5, 7-8, and 11-13 under 35 U.S.C. 102 (a) as being anticipated by Bank Network News (4/11/1997) and claims 6, 9, 14-15 under 35 U.S.C. 103 (a) as unpatentable over Bank Network News (4/11/1997) as set forth in the office action mailed on 3/14/2001 is maintained.**

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Vak et al (U.S. Pat. No. 5,473,143).

As per claim 16-19 , Vak substantially discloses the claimed apparatus comprising:

An automated transaction (ATM) see., abstract machine including:

A plurality of transaction function devices, wherein at least one note dispensing device is included among the plurality of transaction function devices (see., fig 1, col 4, lines 7-24, elements 14, 22 and 24);

at least one computer (or processor or microprocessor) operative in the machine, wherein the at least one computer is in operative connection with the plurality of transaction function devices, and wherein the at least one computer is operative to cause the at least one note dispensing device to dispense at least one note from the machine (see., fig 1, col 4, lines 12-24);

wherein the at least one computer is operative responsive to the occurrence of the malfunction (malfunction or error or problem) of one of the transaction function devices, communications

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connection in operative connection with the at least one computer in the machine (see., col 9, lines 1-67, col 10, lines 1-22).

Vak does not specifically disclose a HTTP record representative of the malfunction. However, Examiner hereby takes **Official notice** that exchanging information using HTTP is notoriously well-known in the communication art, and therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the ATM of **Vak** by including a HTTP because such modification would have been to view a specific Web page in the Internet, such as when a client computer system specifies the URL for that Web page in a request (i.e., a HTTP).

REMARKS

6. In response to claims 1-5, Applicant argues that the anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. Inherency may not be established based on probabilities or possibilities. Examiner rejection mailed on 3/14/2001, page 3 was not based on probabilities nor possibilities. In the office action mailed on 3/14/2001, Examiner stated that it is inherent to know that in order for the tickets to be printed out at ATM, a server and HTML document is inherently required in order to interact via the Internet at the ATM. Therefore, it is necessarily present in the reference. In response to claims 6, 9, 14 and 15 Applicant argues that the prior art of record does teach or suggest: "the terminal including the browser is operative to access the HTML documents which includes indicia corresponding to status of a transaction function device". However, Examiner

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disagrees with the Applicant as this limitation is disclosed in the Office action mailed on 3/14/2001, page 7 under Official notice. In the office action mailed on 3/14/2001, Examiner stated that this limitation has been disclosed by Bank Network News in page 1, paragraph 3, page 2, paragraph 1, and further stated that, the limitation is met because a transaction function device is inherently required in order for the tickets to be printed out at ATM, a server and HTML document is inherently required in order to interact via the Internet at the ATM. Since Web pages typically defined using HyperText Markup Language, and it is used to display Web page, and therefore, it is also inherent to realize that in order for the Web ATM of Bank Network News to communicate over the Internet a HTML is needed.

In response to claim 10, Applicant argues that the prior art of record does not teach or suggest accessing an HTML document which includes instructions corresponding to the status of a transaction. However, Examiner disagrees as it is disclosed by Zeanath in col 6, lines 1-10, and furthermore, Bank Network News discloses WEB ATM for linking to a host computer through Intranet. Please note that Web pages are typically defined using HyperText Markup Language, and it is used to display a Web page.

Response to Arguments

7. Applicant's arguments filed 5/21/2001 have been fully considered but they are not persuasive.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-9051, (for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, please label

“PROPOSED” or” DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,

Sixth floor (receptionist).


Pierre Eddy Elisca

Patent Examiner

August 3, 2001


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100